

[First Reprint]

ASSEMBLY, No. 2759

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED FEBRUARY 1, 2018

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District 7 (Burlington)

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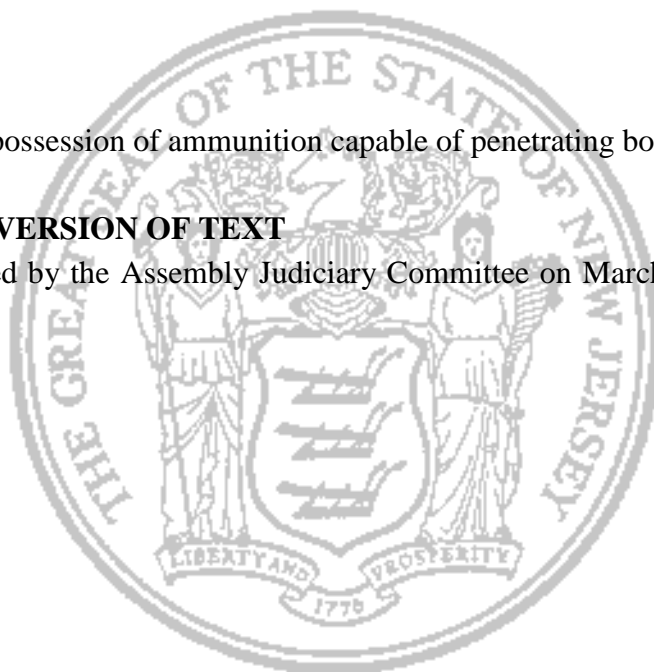
Assemblymen Houghtaling, Benson and Assemblywoman Pinkin

SYNOPSIS

Prohibits possession of ammunition capable of penetrating body armor.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on March 5, 2018, with amendments.



(Sponsorship Updated As Of: 3/23/2018)

1 AN ACT concerning certain ammunition and amending N.J.S.2C:39-
2 3.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 ¹**[**1. N.J.S.2C:39-3 is amended to read as follows:

8 2C:39-3. Prohibited Weapons and Devices.

9 a. Destructive devices. Any person who knowingly has in his
10 possession any destructive device is guilty of a crime of the third
11 degree.

12 b. Sawed-off shotguns. Any person who knowingly has in his
13 possession any sawed-off shotgun is guilty of a crime of the third
14 degree.

15 c. Silencers. Any person who knowingly has in his possession
16 any firearm silencer is guilty of a crime of the fourth degree.

17 d. Defaced firearms. Any person who knowingly has in his
18 possession any firearm which has been defaced, except an antique
19 firearm or an antique handgun, is guilty of a crime of the fourth
20 degree.

21 e. Certain weapons. Any person who knowingly has in his
22 possession any gravity knife, switchblade knife, dagger, dirk,
23 stiletto, billy, blackjack, metal knuckle, sandclub, slingshot, cestus
24 or similar leather band studded with metal filings or razor blades
25 imbedded in wood, ballistic knife, without any explainable lawful
26 purpose, is guilty of a crime of the fourth degree.

27 f. Dum-dum or body armor penetrating bullets. (1) Any
28 person, other than a law enforcement officer or persons engaged in
29 activities pursuant to subsection f. of N.J.S.2C:39-6, who
30 knowingly has in his possession any hollow nose or dum-dum
31 bullet, or (2) any person, other than a collector of firearms or
32 ammunition as curios or relics as defined in Title 18, United States
33 Code, section 921 (a) (13) and has in his possession a valid
34 Collector of Curios and Relics License issued by the Bureau of
35 Alcohol, Tobacco and Firearms, who knowingly has in his
36 possession any body armor breaching or penetrating ammunition,
37 which means: (a) ammunition primarily designed for use in a
38 handgun, and (b) which is comprised of a bullet whose core or
39 jacket, if the jacket is thicker than .025 of an inch, is made of
40 tungsten carbide, or hard bronze, or other material which is harder
41 than a rating of 72 or greater on the Rockwell B. Hardness Scale,
42 and (c) is therefore capable of breaching or penetrating body armor,
43 or (3) any person, other than a law enforcement officer, who
44 knowingly has in his possession handgun ammunition which has a

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted March 5, 2018.

1 full metal jacket and an ogive with a steel penetrator tip followed by
2 an aluminum core and is therefore capable of breaching or
3 penetrating body armor is guilty of a crime of the fourth degree.

4 For purposes of this section, a collector may possess not more than
5 three examples of each distinctive variation of the ammunition
6 described above. A distinctive variation includes a different head
7 stamp, composition, design, or color.

8 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j.
9 or k. of this section shall apply to any member of the Armed Forces
10 of the United States or the National Guard, or except as otherwise
11 provided, to any law enforcement officer while actually on duty or
12 traveling to or from an authorized place of duty, provided that his
13 possession of the prohibited weapon or device has been duly
14 authorized under the applicable laws, regulations or military or law
15 enforcement orders. Nothing in subsection h. of this section shall
16 apply to any law enforcement officer who is exempted from the
17 provisions of that subsection by the Attorney General. Nothing in
18 this section shall apply to the possession of any weapon or device
19 by a law enforcement officer who has confiscated, seized or
20 otherwise taken possession of said weapon or device as evidence of
21 the commission of a crime or because he believed it to be possessed
22 illegally by the person from whom it was taken, provided that said
23 law enforcement officer promptly notifies his superiors of his
24 possession of such prohibited weapon or device.

25 (2) a. Nothing in subsection f. (1) shall be construed to prevent
26 a person from keeping such ammunition at his dwelling, premises
27 or other land owned or possessed by him, or from carrying such
28 ammunition from the place of purchase to said dwelling or land, nor
29 shall subsection f. (1) be construed to prevent any licensed retail or
30 wholesale firearms dealer from possessing such ammunition at its
31 licensed premises, provided that the seller of any such ammunition
32 shall maintain a record of the name, age and place of residence of
33 any purchaser who is not a licensed dealer, together with the date of
34 sale and quantity of ammunition sold.

35 b. Nothing in subsection f. (1) shall be construed to prevent a
36 designated employee or designated licensed agent for a nuclear
37 power plant under the license of the Nuclear Regulatory
38 Commission from possessing hollow nose ammunition while in the
39 actual performance of his official duties, if the federal licensee
40 certifies that the designated employee or designated licensed agent
41 is assigned to perform site protection, guard, armed response or
42 armed escort duties and is appropriately trained and qualified, as
43 prescribed by federal regulation, to perform those duties.

44 (3) Nothing in paragraph (2) or (3) of subsection f. or in
45 subsection j. shall be construed to prevent any licensed retail or
46 wholesale firearms dealer from possessing that ammunition or large
47 capacity ammunition magazine at its licensed premises for sale or
48 disposition to another licensed dealer, the Armed Forces of the

1 United States or the National Guard, or to a law enforcement
2 agency, provided that the seller maintains a record of any sale or
3 disposition to a law enforcement agency. The record shall include
4 the name of the purchasing agency, together with written
5 authorization of the chief of police or highest ranking official of the
6 agency, the name and rank of the purchasing law enforcement
7 officer, if applicable, and the date, time and amount of ammunition
8 sold or otherwise disposed. A copy of this record shall be forwarded
9 by the seller to the Superintendent of the Division of State Police
10 within 48 hours of the sale or disposition.

11 (4) Nothing in subsection a. of this section shall be construed to
12 apply to antique cannons as exempted in subsection d. of
13 N.J.S.2C:39-6.

14 (5) Nothing in subsection c. of this section shall be construed to
15 apply to any person who is specifically identified in a special deer
16 management permit issued by the Division of Fish and Wildlife to
17 utilize a firearm silencer as part of an alternative deer control
18 method implemented in accordance with a special deer management
19 permit issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6),
20 while the person is in the actual performance of the permitted
21 alternative deer control method and while going to and from the
22 place where the permitted alternative deer control method is being
23 utilized. This exception shall not, however, otherwise apply to any
24 person to authorize the purchase or possession of a firearm silencer.

25 h. Stun guns. Any person who knowingly has in his possession
26 any stun gun is guilty of a crime of the fourth degree.

27 i. Nothing in subsection e. of this section shall be construed to
28 prevent any guard in the employ of a private security company, who
29 is licensed to carry a firearm, from the possession of a nightstick
30 when in the actual performance of his official duties, provided that
31 he has satisfactorily completed a training course approved by the
32 Police Training Commission in the use of a nightstick.

33 j. Any person who knowingly has in his possession a large
34 capacity ammunition magazine is guilty of a crime of the fourth
35 degree unless the person has registered an assault firearm pursuant
36 to section 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is
37 maintained and used in connection with participation in competitive
38 shooting matches sanctioned by the Director of Civilian
39 Marksmanship of the United States Department of the Army.

40 k. Handcuffs. Any person who knowingly has in his
41 possession handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2),
42 under circumstances not manifestly appropriate for such lawful uses
43 as handcuffs may have, is guilty of a disorderly persons offense. A
44 law enforcement officer shall confiscate handcuffs possessed in
45 violation of the law.

46 (cf: P.L.2003, c.168, s.1) **1'**

1 ¹1. N.J.S.2C:39-3 is amended to read as follows:

2 2C:39-3. Prohibited Weapons and Devices.

3 a. Destructive devices. Any person who knowingly has in his
4 possession any destructive device is guilty of a crime of the third
5 degree.

6 b. Sawed-off shotguns. Any person who knowingly has in his
7 possession any sawed-off shotgun is guilty of a crime of the third
8 degree.

9 c. Silencers. Any person who knowingly has in his possession
10 any firearm silencer is guilty of a crime of the fourth degree.

11 d. Defaced firearms. Any person who knowingly has in his
12 possession any firearm which has been defaced, except an antique
13 firearm or an antique handgun, is guilty of a crime of the fourth
14 degree.

15 e. Certain weapons. Any person who knowingly has in his
16 possession any gravity knife, switchblade knife, dagger, dirk, stiletto,
17 billy, blackjack, metal knuckle, sandclub, slingshot, cestus or similar
18 leather band studded with metal filings or razor blades imbedded in
19 wood, ballistic knife, without any explainable lawful purpose, is guilty
20 of a crime of the fourth degree.

21 f. Dum-dum or body armor penetrating bullets. (1) Any person,
22 other than a law enforcement officer or persons engaged in activities
23 pursuant to subsection f. of N.J.S.2C:39-6, who knowingly has in his
24 possession any hollow nose or dum-dum bullet, or (2) any person,
25 other than a collector of firearms or ammunition as curios or relics as
26 defined in Title 18, United States Code, section 921 (a) (13) and has in
27 his possession a valid Collector of Curios and Relics License issued by
28 the Bureau of Alcohol, Tobacco and Firearms, who knowingly has in
29 his possession any body armor breaching or penetrating ammunition,
30 which means: (a) ammunition primarily designed for use in a
31 handgun, and (b) which is comprised of a bullet whose core or jacket,
32 if the jacket is thicker than .025 of an inch, is made of tungsten
33 carbide, or hard bronze, or other material which is harder than a rating
34 of 72 or greater on the Rockwell B. Hardness Scale, and (c) is
35 therefore capable of breaching or penetrating body armor, or (3) any
36 person, other than a law enforcement officer, who knowingly has in
37 his possession handgun ammunition which has a full metal jacket and
38 an ogive with a steel penetrator tip followed by an aluminum core and
39 is therefore capable of breaching or penetrating body armor is guilty of
40 a crime of the fourth degree. For purposes of this section, a collector
41 may possess not more than three examples of each distinctive variation
42 of the ammunition described above. A distinctive variation includes a
43 different head stamp, composition, design, or color.

44 g. Exceptions. (1) Nothing in subsection a., b., c., d., e., f., j. or
45 k. of this section shall apply to any member of the Armed Forces of
46 the United States or the National Guard, or except as otherwise
47 provided, to any law enforcement officer while actually on duty or
48 traveling to or from an authorized place of duty, provided that his

1 possession of the prohibited weapon or device has been duly
2 authorized under the applicable laws, regulations or military or law
3 enforcement orders. Nothing in subsection h. of this section shall
4 apply to any law enforcement officer who is exempted from the
5 provisions of that subsection by the Attorney General. Nothing in this
6 section shall apply to the possession of any weapon or device by a law
7 enforcement officer who has confiscated, seized or otherwise taken
8 possession of said weapon or device as evidence of the commission of
9 a crime or because he believed it to be possessed illegally by the
10 person from whom it was taken, provided that said law enforcement
11 officer promptly notifies his superiors of his possession of such
12 prohibited weapon or device.

13 (2) a. Nothing in subsection f. (1) shall be construed to prevent a
14 person from keeping such ammunition at his dwelling, premises or
15 other land owned or possessed by him, or from carrying such
16 ammunition from the place of purchase to said dwelling or land, nor
17 shall subsection f. (1) be construed to prevent any licensed retail or
18 wholesale firearms dealer from possessing such ammunition at its
19 licensed premises, provided that the seller of any such ammunition
20 shall maintain a record of the name, age and place of residence of any
21 purchaser who is not a licensed dealer, together with the date of sale
22 and quantity of ammunition sold.

23 b. Nothing in subsection f. (1) shall be construed to prevent a
24 designated employee or designated licensed agent for a nuclear power
25 plant under the license of the Nuclear Regulatory Commission from
26 possessing hollow nose ammunition while in the actual performance of
27 his official duties, if the federal licensee certifies that the designated
28 employee or designated licensed agent is assigned to perform site
29 protection, guard, armed response or armed escort duties and is
30 appropriately trained and qualified, as prescribed by federal regulation,
31 to perform those duties.

32 (3) Nothing in paragraph (2) or (3) of subsection f. or in subsection
33 j. shall be construed to prevent any licensed retail or wholesale
34 firearms dealer from possessing that ammunition or large capacity
35 ammunition magazine at its licensed premises for sale or disposition to
36 another licensed dealer, the Armed Forces of the United States or the
37 National Guard, or to a law enforcement agency, provided that the
38 seller maintains a record of any sale or disposition to a law
39 enforcement agency. The record shall include the name of the
40 purchasing agency, together with written authorization of the chief of
41 police or highest ranking official of the agency, the name and rank of
42 the purchasing law enforcement officer, if applicable, and the date,
43 time and amount of ammunition sold or otherwise disposed. A copy of
44 this record shall be forwarded by the seller to the Superintendent of the
45 Division of State Police within 48 hours of the sale or disposition.

46 (4) Nothing in subsection a. of this section shall be construed to
47 apply to antique cannons as exempted in subsection d. of N.J.S.2C:39-
48 6.

1 (5) Nothing in subsection c. of this section shall be construed to
2 apply to any person who is specifically identified in a special deer
3 management permit issued by the Division of Fish and Wildlife to
4 utilize a firearm silencer as part of an alternative deer control method
5 implemented in accordance with a special deer management permit
6 issued pursuant to section 4 of P.L.2000, c.46 (C.23:4-42.6), while the
7 person is in the actual performance of the permitted alternative deer
8 control method and while going to and from the place where the
9 permitted alternative deer control method is being utilized. This
10 exception shall not, however, otherwise apply to any person to
11 authorize the purchase or possession of a firearm silencer.

12 h. Stun guns. Any person who knowingly has in his possession
13 any stun gun is guilty of a crime of the fourth degree.

14 i. Nothing in subsection e. of this section shall be construed to
15 prevent any guard in the employ of a private security company, who is
16 licensed to carry a firearm, from the possession of a nightstick when in
17 the actual performance of his official duties, provided that he has
18 satisfactorily completed a training course approved by the Police
19 Training Commission in the use of a nightstick.

20 j. Any person who knowingly has in his possession a large
21 capacity ammunition magazine is guilty of a crime of the fourth degree
22 unless the person has registered an assault firearm pursuant to section
23 11 of P.L.1990, c.32 (C.2C:58-12) and the magazine is maintained and
24 used in connection with participation in competitive shooting matches
25 sanctioned by the Director of Civilian Marksmanship of the United
26 States Department of the Army.

27 k. Handcuffs. Any person who knowingly has in his possession
28 handcuffs as defined in P.L.1991, c.437 (C.2C:39-9.2), under
29 circumstances not manifestly appropriate for such lawful uses as
30 handcuffs may have, is guilty of a disorderly persons offense. A law
31 enforcement officer shall confiscate handcuffs possessed in violation
32 of the law.

33 l. Bump stock or trigger crank. Any person who knowingly
34 possesses a bump stock as defined in subsection ee. of N.J.S.2C:39-1
35 or a trigger crank as defined in subsection ff. of N.J.S.2C:39-1,
36 regardless of whether the person is in possession of a firearm, is guilty
37 of a crime of the third degree.

38 Notwithstanding the provisions of N.J.S.2C:1-8 or any other
39 provision of law, a conviction arising out of this subsection shall not
40 merge with a conviction for possessing an assault firearm in violation
41 of subsection f. of N.J.S.2C:39-5 or a machine gun in violation of
42 subsection a. of N.J.S.2C:39-5 and a separate sentence shall be
43 imposed upon each conviction. Notwithstanding the provisions of
44 N.J.S.2C:44-5 or any other provisions of law, the sentence imposed
45 pursuant to this subsection shall be served consecutively to that
46 imposed for unlawfully possessing an assault firearm in violation of

1 subsection f. of N.J.S.2C:39-5.¹

2 (cf: P.L.2017, c.323, s.2)

3

4 2. This act shall take effect immediately.